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SUMMARY RECORD OF THE 61st MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 20 April 2000 at 3 p.m.

Chairman: Mr. SIMKHADA (Nepal)

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GE.00-13442 (E)

The meeting was called to order at 3.15 p.m.

STATEMENT BY MS. BÉNITA FERRERO-WALDNER, CHAIRPERSON-IN-OFFICE OF THE ORGANISATION FOR SECURITY AND CO-OPERATION IN EUROPE

1. Ms. FERRERO-WALDNER (Organisation for Security and Co-operation in Europe), recalling that the year 2000 marked the twenty-fifth anniversary of the Helsinki Final Act, said that the OSCE standards and mechanisms in the field of human rights and fundamental freedoms, currently referred to as its "human dimension", had been continuously strengthened. At the OSCE summit meeting held in Istanbul in November 1999, the leaders of the participating States had renewed their commitment to the task of ensuring full respect for human rights and fundamental freedoms, including the rights of minorities, thereby acknowledging both the important role at present played by OSCE in that field and the need to act in the face of the many human rights violations that continued to be committed throughout the OSCE region, particularly in conflict situations.

2. The Austrian Chairmanship of OSCE believed that the strengthening of civil society lay at the heart of the human dimension of security policy. In that respect, it wished to pay tribute to the non-governmental organizations (NGOs) for their efforts to promote human rights, democracy and the rule of the law. The protection of human rights defenders was one of the many objectives that OSCE shared with the Commission on Human Rights.

3. OSCE attached special importance to the fight against torture. Detainees were still frequently subjected to inhuman punishment and treatment in the OSCE region as well as in others. The problem had been analysed at a special meeting held in Vienna in March 2000 with active input from numerous NGOs; the meeting had identified good practices meant to serve as concrete recommendations to States and to OSCE and its institutions.

4. OSCE also sought to eliminate all forms of discrimination against women and to end violence against women and children and their sexual exploitation. It planned to hold another special meeting in Vienna during the year on the problem of trafficking in human beings.

5. With regard to the rights of the child, OSCE paid particular attention to children involved in or affected by armed conflicts. It had therefore decided to dedicate its annual Human Dimension Seminar to children in armed conflicts. It had also started to cooperate closely with the United Nations Secretary-General's special representative in charge of studying the impact of armed conflict on children, as well as with the President of ICRC and UNICEF and UNHCR.

6. Like other regional organizations, such as OAU and OAS, OSCE had made the protection and reintegration of displaced persons one of its priorities. In that field, it intended to build on the work of the Secretary-General's Representative for internally displaced persons. The third human dimension meeting would deal with migration and internal displacement.

7. Lastly, OSCE was endeavouring to promote and ensure the free flow of information, especially through independent media, and would support a range of projects to assist small and medium-sized media and to strengthen their role in conflict prevention.

8. Human rights in Europe and Central Asia had been undermined by a number of crisis situations. In the northern Caucasus, the violent conflict in Chechnya had had tragic consequences. She had obtained a first-hand impression during her visit to that region and to North Ossetia and Ingushetia where she had been shocked by the extent of the destruction and by the suffering endured by the civilian population, in particular by the countless numbers of displaced persons (predominantly women and children) struggling to survive. With regard to reports on human rights violations, she had endorsed the demands made, among others, by the High Commissioner for Human Rights and insisted, during her meetings with the Russian authorities, that a prompt and independent investigation should be carried out and that the perpetrators should be brought to justice. OSCE, in cooperation with the Council of Europe and the High Commissioner for Human Rights, would provide advice and expertise to the Russian President's representative for human rights in Chechnya. The President and the Foreign Minister of the Russian Federation had assured her that the OSCE Assistance Group would be able to resume its activities in Chechnya and set up an office in Znamenskoye in order to monitor the human rights situation, support humanitarian organizations, assist in building up civilian structures and democratic institutions, and contribute to rehabilitation efforts. The Assistance Group would also play a major political role, as it would be impossible to find a lasting solution to the conflict that did not involve dialogue with Chechen representatives.

9. In the Balkans, cooperation between the United Nations and OSCE in Kosovo, which was both close and complex, had taken on a unique dimension. The two organizations intended to further strengthen their cooperation on the ground in order to ensure that all elements of Security Council resolution 1244 (1999) were implemented. The registration of the civilian population in Kosovo was to start shortly. Preparations for the elections to be held in October constituted a difficult undertaking that required the backing of the entire international community. In the human rights field, past violations had to be investigated and fresh violations prevented. OSCE was also closely monitoring the situation in Montenegro, where the Office for Democratic Institutions and Human Rights was represented. In Bosnia and Herzegovina, the High Commissioner and the OSCE Mission were working together to strengthen democracy, the rule of law, civil society and respect for human rights. The year would be crucial for Bosnia and Herzegovina, whose population should start assuming responsibility for its own future. OSCE was encouraged by the increase in the number of persons repatriated in 1999, and one of its objectives was to facilitate and accelerate the return of refugees and displaced persons in 2000.

10. In Central Asia, OSCE missions had been asked to monitor the human rights situation in each of the region's five countries and to develop concrete projects aimed at supporting civil society, strengthening the independence and impartiality of the judiciary and guaranteeing due process of law. OSCE was concerned about the harassment of human rights activists and leaders of the political opposition, particularly in Kyrgyzstan, Turkmenistan and Tajikistan. One of the strengths of OSCE was its field missions. Their mandates covered human rights-related activities, ranging from monitoring the implementation of OSCE human rights commitments to capacity-building and support to civil society.

11. It was therefore important for all international organizations to incorporate human rights into their activities in the service of peace, security and development, and to cooperate with a view to ensuring respect for universal human rights standards throughout the world. It was

mainly through the Office for Democratic Institutions and Human Rights that OSCE had established both formal and ad hoc working relationships with a wide range of international organizations, and in particular the High Commissioner for Human Rights. No single organization could cope with the many complex problems that arose. For that reason, the Chairmanship of OSCE was trying further to strengthen the relationship between OSCE and the United Nations, especially through more regular contacts. To quote the Secretary-General, the twenty-first century had to be one of prevention of conflict and prevention of human rights violations. As it had pledged at the Istanbul Summit, OSCE would strive for freedom from fear and want in the OSCE region and throughout the world.

CONSIDERATION OF DRAFT RESOLUTIONS AND DECISIONS UNDER AGENDA ITEM 12 (E/CN.4/2000/L.59-L.61)

Draft resolution E/CN.4/2000/L.59 (Traffic in women and girls)

12. Mr. LAPATAN (Philippines), introducing the draft resolution, said that, because of the possibilities afforded by globalization trafficking in human beings had become the third biggest source of income for criminal organizations after weapons and drugs. Women and girls were those most exposed to that modern form of slavery, and concerted action on the part of Governments and inter-governmental and non-governmental organizations was more urgently required than ever to bring it to a halt. It was in that spirit that the draft resolution under consideration had been drawn up, and it had obtained broad support since 59 delegations had become sponsors.

13. Several amendments had been made to the draft text since it had been submitted: a new paragraph had been inserted after the fourth preambular paragraph reading: "Welcoming the consensus reached on the draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the adoption of International Labour Organization Convention No. 182 (99) concerning the Prohibition and Action for the Elimination of the Worst Forms of Child Labour,"; preambular paragraph 9 had been replaced by the following: "Recognizing the need to address the impact of globalization on the problem of trafficking in women and girls,"; and finally, it had been agreed that the words "that will focus on the issue of trafficking", would be inserted after "2001" at the end of paragraph 12.

14. His delegation hoped that, as in the past, the draft resolution would be adopted without a vote.

15. Ms. IZE-CHARRIN (Secretary of the Commission) announced that, Argentina, Azerbaijan, Belgium, Burundi, Croatia, Eritrea, Finland, France, Germany, Ghana, India, Ireland, Israel, Italy, Liberia, Liechtenstein, Nicaragua, Norway, Portugal, Thailand and Uruguay had also become sponsors of the draft resolution.

16. Mr. ZIVKOVIC (Secretariat) said that the draft resolution had no financial implications.

17. Draft resolution E/CN.4/2000/L.59, as amended, was adopted without a vote.

Draft resolution E/CN.4/2000/L.60 (Elimination of violence against women)

18. Mr. RUECKER (Canada), introducing the draft resolution on behalf of the sponsors, said that in the draft the Commission welcomed the report of the Special Rapporteur on violence against women and renewed her mandate. The draft also stressed that States had a duty to promote and protect the fundamental rights of women and to exercise due diligence to prevent all forms of violence against women.

19. He pointed out that two amendments had been made to the text. The first consisted in replacing the end of paragraph 3, after the words "private life", by the following: "and this includes inter alia domestic violence, crimes committed in the name of honour, crimes committed in the name of passion, traditional practices harmful to women including female genital mutilation, and forced marriages;". The second amendment consisted in inserting the following paragraph after paragraph 3: "Affirms that violence against women constitutes a violation of the rights and fundamental freedoms of women and impairs or nullifies their enjoyment of those rights and freedoms;". The Canadian delegation hoped that, as in the past, the draft resolution would be adopted by consensus.

20. Ms. IZE-CHARRIN (Secretary of the Commission) announced that the following States had joined the sponsors of the draft resolution: Armenia, Austria, Belgium, Bosnia and Herzegovina, Burundi, Colombia, Ecuador, Equatorial Guinea, Germany, Ireland, Israel, Liberia, Liechtenstein, Luxembourg, Mauritius, Mongolia, Philippines, Portugal, Rwanda, Senegal, Slovenia, Sweden, Tunisia, United Kingdom, Uruguay and Zambia.

21. Mr. ZIVKOVIC (Secretariat) said that activities connected with the renewal of the Special Rapporteur's mandate under the draft resolution, namely, three trips to Geneva, two field missions and the temporary assistance of a Secretariat staff member, would give rise to annual expenditure estimated at US$ 44,800. Relevant provisions had been included in the programme budget for the 2000-2001 biennium, and no additional resources would therefore be required for that period. Provisions for 2000-2003 would be included in the proposed programme budget for that biennium.

22. Draft resolution E/CN.4/2000/L.60, as amended, was adopted without a vote.

Draft resolution E/CN.4/2000/L.61 (Integrating the human rights of women throughout the United Nations system)

23. Mr. TAPIA (Chile), introducing the draft resolution on behalf of the sponsors, stated that it had received widespread support from all regional groups, thus demonstrating that the issue of women's rights was a universal concern. The draft outlined the specific tasks of the United Nations system and was evidence of the determination of Member States to continue working for the elimination of all causes of discrimination against women. He hoped that it would be adopted by consensus.

24. Ms. IZE-CHARRIN (Secretary of the Commission) announced that the following States had joined the sponsors of the draft resolution: Austria, Azerbaijan, Bangladesh, Burundi, Croatia, France, Israel, Liberia, Liechtenstein, Mauritius, Slovenia, Tunisia, Turkey and Zambia.

25. Mr. ZIVKOVIC (Secretariat) stated that the draft resolution under consideration would have no financial implications.

26. Draft resolution E/CN.4/2000/L.61 was adopted without a vote.

27. The CHAIRMAN stated that the Commission had thus completed consideration of agenda item 12.

RATIONALIZATION OF THE WORK OF THE COMMISSION (agenda item 20) (continued) (E/CN.4/2000/112, 114, 120, 122 and 123; E/CN.4/2000/CRP.1; E/CN.4/1999/104; E/CN.4/1999/WG.19/2 and 3; E/CN.4/Sub.2/1999/47)

28. Mr. QUESADA INCHAUSTEGUI (Peru) said that his delegation fully endorsed the report, approved by consensus, of the Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights (E/CN.4/2000/112) and thought that the results achieved reflected a broad understanding of the need to rationalize procedures and improve the protection of human rights. His delegation felt that the Commission should approve the report by consensus.

29. The Working Group's task had consisted in finding the means of enabling non-treaty mechanisms to enhance the protection of human rights. Accordingly, the Peruvian delegation had, at the outset, announced that it would support proposals aimed at improving the effectiveness of human rights protection. In addition, the victims should be assured that the violations would cease and that their rights would be restored. Consequently, States had to be given criteria within the framework of the application of the Commission's working methods and special procedures to guarantee those rights, as they were obliged to do. Indeed, the victims had to be given greater protection and States given the means of presenting, in good time, the results of their investigations into alleged violations that had prompted the special mechanisms to take corrective or preventive action. That aspect was all the more important in the light of the fact that under international human rights law, the burden of proof lay with the State. It was therefore vital that reports from rapporteurs, independent experts and working groups action under the 1503 procedure, and the work of the Sub-Commission should reflect a "fact-finding" approach, i.e. one of verifiable results. That approach, which was peculiar to the protection of human rights, had the additional advantage of depoliticizing the work of the Commission and the special procedures.

30. His delegation had also drawn the Working Group's attention to the usefulness of the participation by NGOs in all areas in which the special procedures were applied. Their participation in the deliberations of the Working Group itself had proved to be extremely constructive. In the opinion of the Peruvian delegation, the results were positive, even if all expectations had not been met. The consensus achieved was of itself a positive factor, for not only did it lend the decisions taken absolute legitimacy, it also reinforced the fundamental principle of State cooperation with the special procedures. Moreover, and most importantly, the conclusions reached were part of a logical and dynamic process to protect human rights in all countries of the world, regardless of their level of development or geographical situation. His delegation welcomed in particular the decisions adopted on the working groups on enforced disappearances and arbitrary detention, which played a very important role.

31. He recalled that such positive results could not have been obtained without the constructive attitude of all the participating countries, and in particular without the Working Group's Chairperson, Mrs. Anderson, whose intelligence, commitment and fairmindedness had permitted the deliberations, which had initially been tense, to take place in a climate of trust and to result in the adoption of a document by consensus.

32. Mr. LUKIYANTSEV (Russian Federation) said that the Working Group had undeniably obtained fully satisfactory results. It had worked on a consensual basis, which was essential given that what was involved was the functioning of the main body of the United Nations responsible for the defence of human rights, an area in which there was no room for division. The Russian delegation urged that the report (E/CN.4/2000/112) should be adopted by consensus in its entirety, and wholeheartedly endorsed the opinion of the Working Group's Chairperson that the Group's conclusions should be considered as a whole. It reiterated its opposition to the idea of reopening the debate, a move it believed would be detrimental, by reconsidering certain conclusions.

33. Mr. TAPIA (Chile) said that Chile had participated actively in the review of the Commission's mechanisms, and had borne in mind the need to improve them not to satisfy the interests of Governments but to promote, protect and guarantee the fundamental rights of men, women and children. Chile, which had been the first State for which the Commission on Human Rights had appointed a special rapporteur, had understood from the outset that it must rise to the challenge it faced on account of its history. It should be borne in mind that, as recognized by internationalist legal doctrine, the international community had legitimate cause to monitor respect for human rights and that doing so in no way constituted interference in the internal affairs of a State. When moral questions were at stake, the duty was to speak out, and Chile had stood on the side of the victims of violations of human rights and fundamental freedoms. Clearly, if human rights were not being violated every day there would be no reason to discuss the effectiveness of the mechanisms established to redress those violations. Those mechanisms were not an end in themselves but merely instruments in the service of the rights and freedoms of human beings. Their effectiveness and that of the Commission therefore depended on the ability of the international community to serve the cause of those rights.

34. Chile attached great moral, legal and political value to the work of the Working Group. That was why it was not satisfied with its results, which it considered meagre. Indeed, the Working Group had set its sights on consensus, and while its intent was praiseworthy the question arose whether it did not introduce a veto, with all its inherent dangers, into the United Nations system for the protection and promotion of human rights. Several goals had been momentarily sacrificed to the achievement of consensus, including recognition of the moral and political obligation of United Nations Member States to cooperate with human rights protection mechanisms, the determination to react resolutely to flagrant absence of cooperation - which was at the origin of urgent appeals - strict respect for the principle of independence of rapporteurs and experts, and the need to revitalize mechanisms and subsidiary bodies, and in particular the Sub-Commission. Those goals had not disappeared, however, and the day would come when they would be part of an action programme stimulating renewed efforts to strengthen the implementation of fundamental freedoms and to alleviate the suffering of the victims. It was in that hope that Chile approved the draft decision submitted by the Chairperson.

35. In keeping with its idea of revitalization, Chile would set an example by not being a candidate for a fourth term on the Commission. Other countries in the region in which democracy and respect for human rights had become binding legal obligations could and should make their voices heard in the Commission, for all States had experiences to share, and the experience acquired in Latin America confirmed that human rights were neither utopic nor a mere political instrument but a noble cause it was gratifying to defend.

36. Mr. AKRAM (Pakistan) said that the Working Group, thanks to the superhuman efforts of its Chairperson, Mrs. Anderson, to reconcile the various positions, had produced a coherent and acceptable set of recommendations that should be applied in their entirety. His delegation welcomed in particular the fact that the Working Group had been able to resolve certain questions of overlap and to outline principles for the rationalization of the mechanisms of the Commission on Human Rights, including the adoption of a coherent approach and criteria for the rationalization of mandates. It nevertheless regretted that those principles had not been sufficiently taken into account so as to be able to decide, at the present session, on mandates to be renewed or instituted.

37. As underlined by the like-minded group of countries, cooperation as defined in paragraph 25 of the Working Group's report should be encouraged within the framework of article 55 of the Charter. Cooperation could not be enforced.

38. His delegation believed that the Sub-Commission constituted a unique reservoir of expertise and knowledge within the United Nations system, and therefore approved the Working Group's decision that the Sub-Commission should continue to prepare studies in the human rights field and to provide support to the Commission. It looked forward to working with the Sub-Commission in identifying issues to be studied. It appreciated the efficiency of the 1503 procedure, because of its confidentiality, and noted that there was a strong conviction within the Working Group in favour of the continuity of members of the Working Group on Communications and the Working Group on Situations so that benefit could be derived from the expertise and experience of the experts proposed by the Sub-Commission and the views of regional groups.

39. Lastly, his delegation was deeply disappointed that the Working Group had not proposed specific measures to improve the Commission's working methods and observed that the Commission's member States had a responsibility not only to their Governments but also to other United Nations members to ensure that the obligations defined for them by the Commission were adopted after in-depth discussions open to all.

40. Ms. GLOVER (United Kingdom) making a joint statement on behalf of 46 other countries (Albania, Australia, Austria, Belgium, Botswana, Bulgaria, Canada, Chile, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, Eritrea, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Italy, Japan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Morocco, New Zealand, Netherlands, Norway, Poland, Portugal, Republic of Korea, Romania, San Marino, Slovakia, Slovenia, Spain, South Africa, Sweden, Switzerland, Ukraine, United States of America), said that they represented all continents in all their diversity.

The Working Group on enhancing the effectiveness of the Commission's mechanisms had proved how important it was to break down geographical, cultural and political barriers in the pursuit of important objectives in the United (but so often dis-united) Nations.

41. The deliberations of the Working Group had not always been easy but they had nevertheless resulted in specific recommendations that, while they did not radically overhaul the instruments and mechanisms at the disposal of the Commission, had considerably improved them. Those improvements included the merger of some special procedure mandates, the establishment of a list of the most suitable candidates for future mandates, to be updated by the Secretariat, the reinforcement, within the framework of urgent appeals, of cooperation between States and the United Nations, the fine-tuning of the 1503 procedure, the refocusing of the Sub-Commission's mandate by shortening the duration of its session, the fixing of time-frames enabling standard-setting working groups to complete their work by allowing them to hold intersessional consultations, the reinforcement of the dialogue with representatives of special procedures during the Commission's sessions and permission for the Commission to hold an informal meeting in September in order to provide continuity between the Commission and the General Assembly. Significant progress had also been made on the Commission's working methods. Reform of those working methods and of the Commission's mechanisms would be an ongoing process. The Working Group had been an important learning experience for many delegations, and one which would serve them well in the future.

The meeting rose at 4.25 p.m.